

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

In Re: John P. McCardell
Bridget A. McCardell,

Case No: 12-12090-BFK
Chapter 7

Debtors.

John P. McCardell

Movant,

vs.

Jormandy LLC Assignee of Chase Bank
USA N.A.,

Respondent.

ORDER GRANTING MOTION TO AVOID JUDICIAL LIEN OF JORMANDY LLC

ASSIGNEE OF CHASE BANK USA N.A. ON REAL PROPERTY

UPON CONSIDERATION of the **MOTION TO AVOID JUDICIAL LIEN OF JORMANDY LLC ASSIGNEE OF CHASE BANK USA N.A. ON REAL PROPERTY**, filed herein on May 25, 2012, (Docket Number 9), of Debtors John P. McCardell and Bridget A. McCardell, by and through Counsel, and after notice and an opportunity to be heard, and there having been no response thereto; and

IT APPEARING THAT

- Debtors claimed as exempt their residence located at 12735 Crossman Creek Way, Bristow, Virginia, 20136, ("Debtors' Residence"); and that

- Debtors' Residence is now subject to a judicial lien in favor of Jormandy LLC Assignee of Chase Bank USA N.A., as a result of the judgment against the Movant entered in Prince William County, Virginia, General District Court, Case No.: GV11014956-00, in the amount of "**\$22,617.02 with interest of 6% from 112911 until paid and costs of \$54.00**" which judgment was docketed in the Prince William County Circuit Court on December 29, 2011, as Instrument Number 201112290106360; and that

- The total of Debtors' exemptions plus the total amount of the prior liens on Debtors' Residence exceeds the value of the property; and therefore that

- The judicial lien of Respondent Jormandy LLC Assignee of Chase Bank USA N.A., is completely avoidable under 11 U.S.C. § 522(f) as impairing the Debtors' exemption;

IT IS, THEREFORE,

ORDERED that the lien on Debtors' Residence of the judgment in favor of Jormandy LLC Assignee of Chase Bank USA N.A., docketed in the Prince William County Circuit Court on December 29, 2011, as Instrument Number 201112290106360, is hereby AVOIDED in its entirety and hereafter shall not constitute a lien or encumbrance upon Debtors' real property located at 12735 Crossman Creek Way, Bristow, Virginia, 20136, which real property is more particularly described as:

Lot 41, CROSSMAN CREEK, as the same appears duly dedicated, platted and recorded in Inst. No. 200303110044512 with the record plats being recorded in Instrument No. 200303110044513, among the land records of Prince William County, Virginia.

AND BEING the same, or a portion of the same property conveyed to RICHMOND AMERICAN HOMES OF VIRGINIA, INC., a Virginia Corporation, by virtue of Deed dated June 27, 2002 and

**recorded June 28, 2002 in Instrument No. 200206280083635, among
the land records of Prince William County, Virginia.**

Dated: _____

Brian F. Kenney
Judge, U.S. Bankruptcy Court

Entered on the Docket: _____

I ASK FOR THIS:

/s/ Scott Alan Weible
Scott Alan Weible, Esq., VSB 75633
Christine E. Tafur, Esq., VSB 77870
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CERTIFICATE OF SERVICE

I certify that I have this 11th day of July, 2012, transmitted a true copy of the foregoing **ORDER** electronically either through the Court's CM/ECF system, or by U. S. Mail to the Movants, and each of them, the Chapter 7 trustee, and the U.S. Trustee, if other than by electronic means is provided for at Local Bankruptcy Rule 2002-1 (d)(3).

/s/ Scott Alan Weible